



FREDERICK COUNTY PLANNING COMMISSION

November 9, 2016

TITLE: York Building Products

FILE NUMBER: SP-16-04 (AP #16382, APFO#16383, FRO #16384)

REQUEST: Site Development Plan Approval

The Applicant is requesting site development plan approval for a 33,750 square foot building to be used for limited manufacturing and assembly of concrete block and storage of manufactured products, on a 10.15-acre portion of a 48.32-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: 4042 Buckeystown Pike (MD 85), located along Buckeystown Pike, south of Limekiln Road.

TAX MAP/PARCEL: Tax Map 95 Parcel 88
COMP. PLAN: Mineral Mining
ZONING: Mineral Mining
PLANNING REGION: Adamstown
WATER/SEWER: W-NPS/S-NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: 5703 Urbana Pike LLC
OWNER: Greyrock, LLC
ENGINEER: Harris, Smariga & Associates
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit 1-York Building Products Site Plan Rendering
Exhibit 2-York Building Products Parking Space Modification
Exhibit 3-York Building Products APFO Letter of Understanding

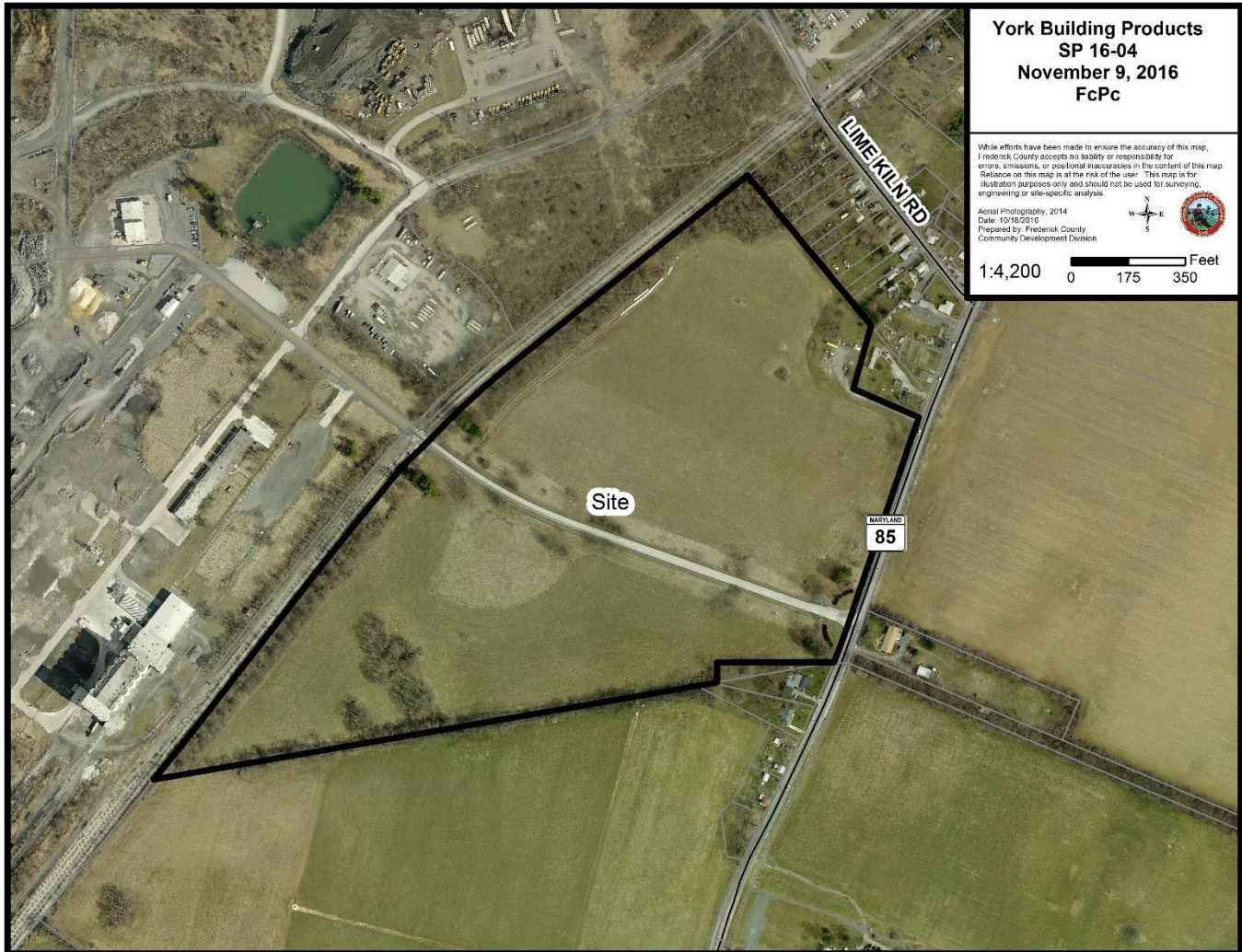
STAFF REPORT

ISSUE

Development Request

The Applicant is requesting site development plan approval for a 33,750 square foot building to be used for limited manufacturing and assembly of concrete block and storage of manufactured products, on a 10.15-acre portion of a 48.32-acre site. The proposed use is being reviewed as a “stockpiling, and manufacture of finished products” land use under the *Mineral Mining Land Use* per §1-19-10.400.6 in the Zoning Ordinance and is a principal permitted use in the Mineral Mining Zoning District subject to site development plan approval. See Graphic #1 below.

Graphic #1: York Building Products Site Aerial



Modification Requests:

1. Parking Space Count Modification
2. Parking Area Landscaping Modification

BACKGROUND

Development History

This site is vacant with no previous approvals.

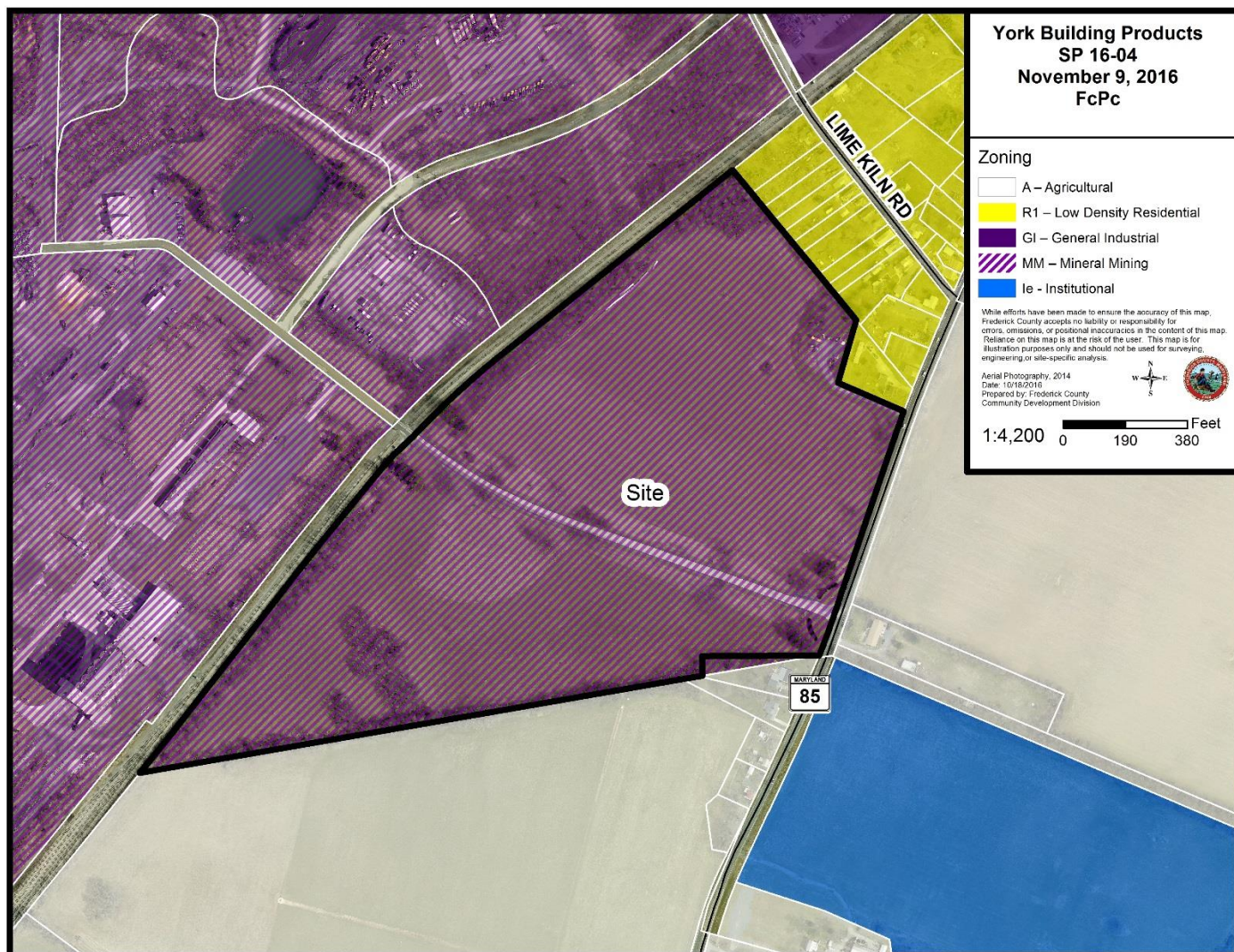
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Existing Site Characteristics

The site is currently zoned MM - Mineral Mining, and is vacant grassland. The property to the north of the site is zoned R1 and is developed with residences along Limekiln Road. The property to the west is zoned MM and is developed with Essroc quarry. The adjacent properties to the east and south are zoned agricultural and are active farmlands. See Graphic #2 below.

Graphic #2: York Building Products: Zoning Map



ANALYSIS

Summary of Development Standards Findings and Conclusions

The main issue associated with this site development plan was working with the Applicant in order to address the Mineral Mining Standards listed in §1-19-10.400.5 of the Zoning Ordinance. Staff and the Applicant worked to increase the landscape buffer along the northern property boundary adjacent to the R1 zoned residences along Limekiln Road. The overall site, including the block storage areas, were designed to avoid disturbance to all sensitive environmental features as well as specimen trees.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

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Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings/Conclusions

1. Dimensional Requirements/Bulk Standards §1-19-10.400.7:

The proposed Site Development Plan adheres to the lot dimensions and required setbacks for a manufacturing, stockpile and building use in the Mineral Mining Zoning District.

The proposed setbacks for York Building Products are the following:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	25 acres	48.32 acres
Minimum Lot Width	300'	1,166'
Max Building Height	100'	65'

<i>Type of Operation:</i>	<i>Adjacent Zoning:</i>			
	<i>RC, R, ORI, GC, MX, RR*</i>	<i>R1 Provided Setback</i>	<i>A, GI, LI</i>	<i>A Provided Setback</i>
Crushing or rock processing of stone, gravel or other material	300 ft.	824.63'	150 ft.	300'
Stockpile of materials	300 ft.	300.0'	150 ft.	522.8'
Building used for mineral mining operation	300 ft.	342.0'	50 ft.	562.3'

2. Signage §1-19-6.300: The Applicant is permitted to have 122 square feet of total signage based on the length of the facade facing the public street with a maximum sign height of 25 feet. The signage calculation is listed in Signage Note #10 on Sheet 1 of the site plan. The Applicant intends to utilize 40 square feet of allotted signage for a monument sign located adjacent to the entrance off Buckeystown Pike. The total proposed amount of signage meets the requirements of the zoning ordinance.

3. Landscaping §1-19-6.400: The Applicant has provided a landscaping plan on Sheet 3 of the site plan. The landscaping plan proposes a mix of evergreen and deciduous tree species in order to be compliant with the zoning ordinance as well as increase the aesthetic of the site and overall development. A total of 24 street trees are required, and a mixture of 24 Norway Spruce, American Holly, Willow Oak, Red Maple, and London Plane trees are proposed along Buckeystown Pike.

In accordance with §1-19-6.400.D.1; a total of 5 trees and shrubs are required at the ends of the parking bays. The Applicant has proposed 4 trees at the end of the parking bays. The Applicant has provided a modified on-site location of the 5th tree, due to a light pole location, a 'Willow Oak' will be located on the south side of the proposed parking area.

In accordance with §1-19-6.400.D.2; a minimum of 20% canopy is provide over the proposed parking areas. The Applicant is required to provide 1,584 square feet of canopy coverage over the proposed parking spaces. The total proposed landscaped canopy coverage of the site will be 1,727 square feet or approximately 21.8%.

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The Applicant has provided a 50' wide evergreen and deciduous tree buffer along the northern property boundary adjacent to the R1 zoned properties along Limekiln Road. The Applicant worked with Staff to provide a significant landscape buffer along the entire Buckeystown Pike frontage, as well as the southern property boundary.

Staff has no objections to granting the requested landscape plan modification. The proposed landscaping in conjunction with the requested modifications meets the requirements listed in 1-19-6.400 as well as 1-19-10.400.7.A.1.g of the Zoning Ordinance for canopy cover, parking area landscaping, buffering, screening, street trees and open space/green areas.

4. **Screening §1-19-6.400 & 1-19-10.400.7.A.1.g:** The Applicant has provided a 50' wide evergreen and deciduous tree buffer as well as a FRO conservation easement (approx. 1 acre) along the northern property boundary adjacent to the R1 zoned properties along Limekiln Pike. The Applicant worked with Staff to provide a significant landscape buffer along the entire Buckeystown Pike frontage, as well as the southern property boundary.
5. **Lighting §1-19-6.500:** The Applicant has submitted a Photometric Plan on Sheet PH-1 that shows less than .5 ft. candle at the property line. In fact, the lighting levels for this entire site are appropriately modest, while providing minimal levels of security lighting.

The Applicant proposes 8 pole lights to be installed at a height which does not exceed the 24' in height as permitted by the Zoning Ordinance. As required per section 1-19-6.500 of the Zoning Ordinance, the Applicant shall update lighting note 10 to include a maximum light pole height of 24' and state that lighting shall be designed and installed to be fully shielded. Lighting shall be directed downward to prevent glare and light trespass onto adjacent properties, roadways, and the nighttime sky. The proposed lighting meets the requirements listed in Z.O. §1-19-6.500.

Conditions

1. In accordance with Z.O. §1-19-6.400.I, a Landscape Plan Modification in order to permit modified location of required trees and shrubs for §1-19-6.400.D.1; shade trees and shrubs are required at the ends of the parking bays. The Applicant has proposed 4 trees at the end of the parking bays. The Applicant has provided a modified on-site location of the 5th tree, due to a light pole location, a 'Willow Oak' will be located on the south side of the proposed parking area.
2. The Applicant shall update lighting note 10 to include a maximum light pole height of 24' and state that lighting shall be designed and installed to be fully shielded. Lighting shall be directed downward to prevent glare and light trespass onto adjacent properties, roadways, and the nighttime sky.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** Access to this site will be via one existing 35' wide access point onto Buckeystown Pike (MD 85). SHA finds the existing access acceptable with no need for improvement. Therefore, the Applicant is not proposing any alterations to the existing access point location.

2. **Connectivity §1-19-6.220 (F):** Due to the various states of development and existing mixture of uses, no connectivity is proposed between the subject site and surrounding parcels.
3. **Public Transit:** This site is not directly served by TransIT, however the Route 85 shuttle, which operates Monday through Friday, does come in proximity to the site as it traverses English Muffin Way.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The proposed 33,750 square foot concrete block manufacturing and storage of manufactured products will have 13 employees per shift and 2 company vehicles. The Applicant is required to provide 9 spaces (1 for every 2 employees and 1 for each of the 2 service vehicles), including 1 ADA accessible spaces. The Applicant has proposed 26 parking spaces on site, including 2 handicapped accessible spaces.

In accordance with §1-19-6.220.A.1, the Applicant has submitted a parking modification request (See Exhibit #2) for a 17 space increase from the target number of 9 parking spaces to accommodate on-site staff, staff vehicle parking, and auxiliary parking. Staff has no objection to granting this modification.

Loading Space §1-19-6.210: The Applicant is required to provide 3 large loading spaces in accordance with the requirements of §1-19-6.210.

5. **Bicycle Parking §1-19-6.220 (H):** The Applicant has provided 1 bike rack north of the proposed concrete block manufacturing facility. Since the bicycle rack has been provided Staff has required that the rack meet all Zoning Ordinance and Bicycle Design Guide requirements.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The site is a place of business without any retail component. All employees will park in the parking spaces adjacent to the manufacturing facility. The Applicant has proposed an ADA accessible route from the proposed facility to the ADA accessible parking spaces.

Conditions: In accordance with §1-19-6.220.A.1, the Applicant has submitted a parking modification for a 17 space increase from the target number of 9 required parking spaces.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Private Well and Septic:** The site is to be served by on site well and septic. Health Department has conditionally approved this plan. The Applicant shall work with the Health Department and ensure that the well must be drilled prior to final signature approval of the site development plan.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The site is quite flat, the topography slopes down to the west from 290' along Buckeystown Pike to 288' where the building is sited, which results in a slope of less than 15%.

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2. **Vegetation:** The site contains a natural hedgerow along the southern and western property boundaries. The remaining areas of the site are comprised of manicured lawns.
3. **Sensitive Resources:** The site does not contain any wetlands. There are LsA Flooding soils and the FEMA 100-year floodplain located on the portion of the site south of the main access road. These sensitive areas are located outside the proposed area of development and are not impacted.
4. **Natural Hazards:** There are no natural hazards located on site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area:** The site is a place of business used for a concrete block manufacturer without any retail component. There are no common areas proposed.

Other Applicable Regulations

Moderately Priced Dwelling Units – Chapter 1-6A: The proposed use is non-residential; therefore, MPDUs are not required.

Stormwater Management – Chapter 1-15.2: The Applicant must submit a Stormwater Management (SWM) Concept/Development Plan prior to final signature approval of the site development plan. If the SWM design results in necessary alterations to the approved site development plan, the Applicant shall obtain all necessary subsequent site development plan reviews and approvals (which may include further Planning Commission approval) as determined by staff.

APFO – Chapter 1-20:

1. **Schools.** The site is a non-residential use and therefore exempt from school testing.
2. **Water/Sewer.** The site is classified as W-NPS/S-NPS and therefore is exempt from water and sewer testing.
3. **Roads.** Based on the ITE trip generation rates for manufacturing use, the proposed development of this site would result in 25 AM and 25 PM peak weekday trips during the peak hour of adjacent street traffic.

While exempt from testing requirements of §1-20-31, the developer is required by §1-20-12(H) to provide fair share contributions to existing escrow accounts that are impacted by the proposed development of the site (see attached Letter of Understanding (LOU) - Exhibit 3).

Therefore, prior to this issuance of a building permit, the Applicant agrees to pay \$34,538 to the escrow accounts for the Road Improvements detailed in the LOU. Should these payments not be made within one year of the execution of the LOU, the County reserves the right to adjust this amount, based on an engineering cost index. The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on November 9, 2019.

Forest Resource – Chapter 1-21: The Applicant has submitted a Combined Preliminary/Final FRO plan, which is currently under review. The site contains 0.83 acres of forest, which is located in the northwest corner of the site. This forest will be retained and protected with a perpetual conservation easement. In addition to preserving the on-site forest, the application generates an additional mitigation requirement of 8.05 acres, which will be met by planting 8.05 acres of the flooding soils area in the southwestern portion of the property. The planting area will be placed under a perpetual conservation easement.

The site contains 20 specimen trees (trees that are 30 inches or greater in diameter). Per 1-21-40 of the FRO, nonhazardous trees that are specimen trees must be retained unless a modification is approved by the Planning Commission. All of the specimen trees will be retained and protected.

The FRO Plan must be approved prior to site plan approval. FRO mitigation must be provided prior to applying for grading permits or building permits or whichever is applied for first.

Historic Preservation – Chapter 1-23: There are no sensitive historic resources on this property.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval
Development Review Planning:	Hold: Address all agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	Approved
Div. of Utilities and Solid Waste Mngt. (DUSWM):	N/A
Health Dept.	Conditional Approval
Office of Life Safety	Conditional Approval
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of Site Development Plan (SP-16-04, AP 16382) for a 33,750 square foot concrete block manufacturing and storage of manufactured products, on a 10.15-acre portion of a 48.32-acre site. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval or until November 9, 2019.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. In accordance with Z.O. §1-19-6.400.I, a Landscape Plan Modification in order to permit modified location of required trees and shrubs for §1-19-6.400.D.1; shade trees and shrubs are required at the ends of the parking bays. The Applicant has proposed 4 trees at the end of the parking bays. The Applicant has provided a modified on-site location of the 5th tree, due to a light pole location, a 'Willow Oak' will be located on the south side of the proposed parking area.
3. Planning Commission approval of the requested parking space modification in accordance with §1-19-6.220.A.1 to provide 26 parking spaces which is a 17 space increase from the required 9 parking spaces.

4. The Applicant shall update lighting note 10 to include a maximum light pole height of 24' and state that lighting shall be designed and installed to be fully shielded. Lighting shall be directed downward to prevent glare and light trespass onto adjacent properties, roadways, and the nighttime sky.
5. The FRO Plan must be approved prior to site plan approval. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.
6. The Applicant must submit a Stormwater Management (SWM) Concept/Development Plan prior to final signature approval of the site development plan. If the SWM design results in necessary alterations to the approved site development plan, the Applicant shall obtain all necessary subsequent site development plan reviews and approvals (which may include further Planning Commission approval) as determined by staff.
7. The Applicant shall meet the requirements of the York Building Products APFO LOU (AP16383).
8. The Applicant shall work with the Health Department and ensure that the well must be drilled prior to final signature approval of the site development plan.

PLANNING COMMISSION ACTION
MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Plan SP-16-04, AP 16382 **with conditions and modifications** as listed in the staff report **including APFO approval** for the proposed 33,750 square foot building to be used for limited manufacturing and assembly of concrete block and storage of manufactured products, on a 10.15-acre portion of a 48.32-acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit #1: York Building Products Site Plan Rendering





October 25, 2016

Tolson DeSa
Frederick County Development Review
30 N. Market Street
Frederick, MD 21701

Re: Parking Modification - York Building Products Site Plan
Project Number: AP#16382
HSA Job No.: 6720

Dear Tolson:

In accordance with our discussion, Planning Commission approval of the following parking modification is requested for the York Building Products Site Plan.

The Modification is as follows:

1. Parking Modification - Section 1-19-6.220.(A)(1)
The zoning ordinance requires 1 space for every 2 employees (on the largest shift for which the building is designed) plus 1 for each motor vehicle used in the business.

Code Parking Required
13 Employees = 7 spaces
2 Business Vehicles = 2 spaces
Required Parking = 9 spaces

Based on our client's experience w/ actual parking at their existing site along MD-355, traditionally every employee will require 1 parking space, therefore each shift would require 13 spaces. There will be a slight overlap of parking at shift change. To account for this overlap we are requesting a modification to increase the parking at the proposed site from the required 9 spaces to a total of 26 spaces to provide sufficient parking for every employee during shifts as well as at shift change when parking overlap occurs.

In accordance with 1-19-6.220.(A)(1), the Applicant has submitted a parking modification for a 17 space increase in the target number of parking spaces. The Applicant cites institutional knowledge of the parking requirements associated with similar industrial uses within the County as reasons to justify the 17 space parking increase.

Jody L. Walker
Designer, Harris Smariga

cc: HSA/Planning
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FREDERICK COUNTY GOVERNMENT
DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

Steven C. Horn, Division Director

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

York Building Products

Site Plan #SP16-04, APFO AP #16383

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and 5703 Urbana Pike, LLC (the "**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the York Building Products Site Plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements and contributions to road escrow accounts, as specified below are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's approximate 48.32 acre parcel which is zoned MM (Mineral Mining), and located on the west side of Buckystown Pike (MD 85), south of Lime Kiln Road. This APFO approval will be for the development of a 33,750 SF building for concrete block manufacturing and storage of manufactured product, on currently vacant farmland, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on November 9, 2016.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer: Water and sewer APFO is not impacted because the property is identified as No Planned Service (NPS) with private well and septic.

Road Improvements: Based on the ITE trip generation rates for manufacturing use, the proposed development of this site would result in 25 AM and 25 PM driveway trips during the peak hour of adjacent street traffic. This Letter sets forth the Developer's obligation associated with the construction as depicted on the above referenced site plan; any future modification to the site plan which would have the effect of increasing the projected trip generation would be subject to new analysis under APFO to the extent of the increase in projected trips.

In full satisfaction of APFO requirements per §1-20-31 and §1-20-12(H), the Developer is required to provide fair share contributions to existing escrow accounts that are impacted by the proposed development of the site. The Developer shall pay into County-held escrow accounts the following pro rata contributions:

Frederick County: Rich History, Bright Future
30 North Market Street, Frederick, MD 21701 • 301-600-1138 • Fax 301-600-1645
www.FrederickCountyMD.gov

1. No. 3282: MD 85 / Crestwood: Construction of fourth northbound through lane. The estimated cost of this Improvement is \$1,158,300. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 2.19%. Therefore, the Developer hereby agrees to pay \$25,367 to the escrow account for this Road Improvement.
2. No. 3253: MD 85 / English Muffin Way: Traffic Signal: The estimated cost of right-of-way and construction for this improvement is \$73,176. The Developer's proportionate share of this Road Improvement is 5.15%. Therefore the Developer hereby agrees to pay \$3,769 to the escrow account for this Road Improvement.
3. No. 3761: MD 85 / English Muffin Way: Construction of second Eastbound Left Turn Lane. The estimated cost of this improvement is \$104,888. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 5.15%. Therefore, the Developer hereby agrees to pay \$5,402 to the escrow account for this Road Improvement.

Therefore, prior to this issuance of a building permit, the Developer hereby agrees to pay \$34,538 to the escrow accounts for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on November 9, 2019.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures next page]

5703 Urbana Pike, LLC:

By:  Date: 8/15/16
Gary Stewart

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: _____
William Hopwood, Chair or Robert White, Secretary

ATTEST:

By: _____ Date: _____
Gary Hessong, Director, Permits & Inspections

Planner's Initials / Date _____
(Approved for technical content)

County Attorney's Office Initials / Date _____
(Approved as to legal form)